

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 07 CR 414
)	
YASSER ABU ADAS and)	
AKRAM ABU ADAS,)	
)	
Defendants.)	

MEMORANDUM ORDER

This Court's October 30 oral ruling rejected the government's opposition to defendants' possible introduction of opinion testimony to support their position that the volume of cash activity and the insufficiency of receipts or other documentation in their business operations were arguably a function of cultural differences (both defendants are Arabians from Jordan). This memorandum confirms two conditions precedent to the potential introduction of such testimony, one of which this Court articulated during its oral ruling and the other of which was implicit in that ruling:

1. Before such opinion testimony may be admitted, defendants must provide by way of foundation a prima facie showing that they in fact conducted themselves in accordance with the asserted cultural differences.

2. This Court's gatekeeping obligation under Daubert-Kumho principles will require a pretrial showing to support the admissibility of testimony by the prospective opinion

witness. That will require defense counsel's prompt identification of the prospective witness, supported by his or her CV, and an early hearing after the government has had the opportunity to prepare for the matter (indeed, the taking of the witness' deposition before such a hearing is strongly suggested to facilitate handling the matter).

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is fluid and cursive, with the first name "Milton" being more prominent than the last name "Shadur".

Milton I. Shadur
Senior United States District Judge

Date: October 31, 2007